

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN**

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WA.No. 2309 of 2007

(AGAINST THE JUDGMENT IN W.P.(C) 18376 OF 2007 DATED 18.06.2007)

APPELLANT/PETITIONER:

AMBILI N.V.,
ASARIPARAMBIL HOUSE,
AYMANA P.O.,
KOTTAYAM.

BY ADV. SRI.SANTHAN V.NAIR

RESPONDENTS/ RESPONDENTS:

1. STATE OF KERALA,
REP. BY GOVT. PLEADER,
HIGH COURT OF KERALA.
2. THE SECRETARY,
KOTTAYAM DISTRICT CO-OPERATIVE BANK LTD.,
THAZHATHANGADY BRANCH,
KOTTAYAM.

BY SR. GOVERNMENT PLEADER SMT. R. MEERA.
BY ADV. SRI.SUNIL CYRIAC,SC, DIST.CO-OP., BANK, KOTTAYAM

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

.....
W.A. No. 2309 OF 2007
.....

Dated this the 4th October , 2007

J U D G M E N T

H.L. Dattu, C.J.:

A harmless order passed by the learned single Judge in W.P.(C) No. 18376 of 2007 is the subject matter of this appeal. Admittedly, the appellant/petitioner in the Writ Petition is a defaulter in the sense that she has not paid the amounts due to the Bank within the time prescribed.

2. The appellant/petitioner in the Writ Petition had filed a Writ Petition before this Court inter alia seeking directions to the 2nd respondent-Bank to allow her to pay off the amount due to the Bank under the One Time Settlement scheme. The learned counsel who appeared for the Bank had brought to the notice of this Court that there is no provision to grant the benefit of One Time Settlement and therefore, it was contended that, the petitioner in the Writ Petition is not entitled for any of the reliefs sought for in the Writ Petition.

3. However, the learned single Judge, taking a very lenient view in the matter has granted some instalments facility to the petitioner to discharge the entire loan liability to the Bank. This ought not to have been done. But this court, in exercise of its extra ordinary and discretionary jurisdiction, has granted some reliefs to the petitioner. Normally, the petitioner should have

satisfied with the instalments facility so granted by the impugned order. But that order is questioned in this Writ Appeal on the ground that the amount of instalments so granted, is huge and it is requested in this appeal that the appellant/petitioner in the Writ Petition may be granted some more instalments facility to discharge the loan liability of the petitioner in the Writ Petition.

4. In our opinion, such a request can never be entertained or should not be entertained by this court. In that view of the matter, the Writ Appeal requires to be rejected and it is rejected.

Ordered accordingly.

**H.L. DATTU,
CHIEF JUSTICE.**

**K.T. SANKARAN,
JUDGE.**

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